

REMARKS

Claims 1-51 are currently pending in this application. Claims 17-21 and 40-44 have been withdrawn as drawn to a nonelected species. Upon allowance of a generic claim, Applicants will request rejoinder of withdrawn Claims 17-21 and 40-44 to nonelected species. Claims 48-51 have been canceled as drawn to a nonelected invention. Applicants reserve the ability to pursue the canceled claims or similar claims in one or more continuation or divisional applications. Claim 26 has been amended. Support for the amendment is found in the specification and claims as filed.

Restriction Requirement

A Restriction Requirement has been imposed. In connection therewith, it is asserted that the claims are drawn to the following inventions: Group I, including Claims 1-47, drawn to a biointerface membrane having two domains, classified in class 600, subclass 309; and Group II, including Claims 48-51, drawn to a biointerface membrane that permits tissue ingrowth, classified in Class 600, subclass 309. Applicants hereby elect, without traverse and without prejudice, the invention of Group I, including Claims 1-47, drawn to a biointerface membrane having two domains.

Applicants have been required to elect one species with regard to Group I: A) an analyte sensor; B) a cell transplantation device; C) a drug delivery device; D) an electrical signal measuring device; and E) an electrical pulse delivering device. Applicants hereby elect species A) an analyte measuring device. Claims 15, 16, 22-25, 39 and 45-47 read on the elected species. Claims 1-14 are generic to the elected species.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

Application No.: 10/768,889
Filing Date: January 29, 2004

shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following patents and co-pending applications of the present application's assignee.

Serial Number	Title	Filed
07/122395	BIOLOGICAL FLUID MEASURING DEVICE	11/19/1987
07/216683	BIOLOGICAL FLUID MEASURING DEVICE	7/7/1988
08/811473	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	3/4/1997
09/447227	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	11/22/1999
09/489588	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/21/2000
09/636369	SYSTEMS AND METHODS FOR REMOTE MONITORING AND MODULATION OF MEDICAL DEVICES	8/11/2000
09/916386	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	7/27/2001
09/916711	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICE	7/27/2001
09/916858	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	7/27/2001
10/153356	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	5/22/2002
10/632537	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633329	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633367	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633404	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/646333	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	8/22/2003
10/647065	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	8/22/2003
10/648849	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/22/2003

Application No.: 10/768,889
Filing Date: January 29, 2004

10/657843	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	9/9/2003
10/695636	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	10/28/2003
10/768889	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	1/29/2004
10/789359	INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR	2/26/2004
10/838658	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838909	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838912	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/842716	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/10/2004
10/846150	ANALYTE MEASURING DEVICE	5/14/2004
10/885476	SYSTEMS AND METHODS FOR MANUFACTURE OF AN ANALYTE-MEASURING DEVICE INCLUDING A MEMBRANE SYSTEM	7/6/2004
10/896637	ROLLED ELECTRODE ARRAY AND ITS METHOD FOR MANUFACTURE	7/21/2004
10/896639	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	7/21/2004
10/896772	INCREASING BIAS FOR OXYGEN PRODUCTION IN AN ELECTRODE SYSTEM	7/21/2004
10/897312	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	7/21/2004
10/897377	ELECTROCHEMICAL SENSORS INCLUDING ELECTRODE SYSTEMS WITH INCREASED OXYGEN GENERATION	7/21/2004
10/991353	AFFINITY DOMAIN FOR ANALYTE SENSOR	11/16/2004
10/991966	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	11/17/2004
11/004561	CALIBRATION TECHNIQUES FOR A CONTINUOUS ANALYTE SENSOR	12/3/2004
11/007635	SYSTEMS AND METHODS FOR IMPROVING ELECTROCHEMICAL ANALYTE SENSORS	12/7/2004
11/007920	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	12/8/2004
11/021046	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	12/22/2004
11/021162	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	12/22/2004
11/034343	COMPOSITE MATERIAL FOR IMPLANTABLE DEVICE	1/11/2005

Application No.: 10/768,889
Filing Date: January 29, 2004

11/034344	IMPLANTABLE DEVICE WITH IMPROVED RADIO FREQUENCY CAPABILITIES	1/11/2005
11/038340	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	1/18/2005
11/039269	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/19/2005
11/055779	BIOINTERFACE MEMBRANE WITH MACRO- AND MICRO-ARCHITECTURE	2/9/2005
11/077643	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077693	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077713	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077714	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077715	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077739	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077740	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077759	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	3/10/2005
11/077763	METHOD AND SYSTEMS FOR INSERTING A TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077765	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077883	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078072	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078230	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078232	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/157365	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/157746	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/158227	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/201445	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/10/2005
11/280102	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
11/280672	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
11/333837	LOW OXYGEN IN VIVO ANALYTE SENSOR	1/17/2006
11/334107	TRANSCUTANEOUS ANALYTE SENSOR	1/17/2006
11/334876	TRANSCUTANEOUS ANALYTE SENSOR	1/18/2006

Application No.: 10/768,889
Filing Date: January 29, 2004

11/335879	CELLULOSIC-BASED INTERFERENCE DOMAIN FOR AN ANALYTE SENSOR	1/18/2006
11/360250	ANALYTE SENSOR	2/22/2006
11/360252	ANALYTE SENSOR	2/22/2006
11/360262	ANALYTE SENSOR	2/22/2006
11/360299	ANALYTE SENSOR	2/22/2006
11/360819	ANALYTE SENSOR	2/22/2006
11/373628	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA FOR SENSOR CALIBRATION	3/9/2006
11/404417	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/404418	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/404421	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/404929	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/404946	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/410392	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
11/410555	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
11/411656	ANALYTE SENSOR	4/26/2006
11/413238	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/413242	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/413356	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/415593	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
11/415631	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/415999	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
11/416058	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/416346	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/416375	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
11/416734	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
11/416825	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006

Application No.: 10/768,889
Filing Date: January 29, 2004

11/439559	ANALYTE SENSOR	5/23/2006
11/439630	ANALYTE SENSOR	5/23/2006
11/439800	ANALYTE SENSOR	5/23/2006
11/445792	ANALYTE SENSOR	6/1/2006
11/498410	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/2/2006
11/503367	ANALYTE SENSOR	8/10/2006
11/515342	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
11/515443	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
11/543396	ANALYTE SENSOR	10/4/2006
11/543404	ANALYTE SENSOR	10/4/2006
11/543490	ANALYTE SENSOR	10/4/2006
11/543539	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543683	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543707	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543734	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/546157	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	10/10/2006
11/654135	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	1/17/2007
11/654140	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
11/654327	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
11/675063	ANALYTE SENSOR	2/14/2007
11/681145	ANALYTE SENSOR	3/1/2007
11/690752	TRANSCUTANEOUS ANALYTE SENSOR	3/23/2007
11/691424	ANALYTE SENSOR	3/26/2007
11/691426	ANALYTE SENSOR	3/26/2007
11/691432	ANALYTE SENSOR	3/26/2007
11/691466	ANALYTE SENSOR	3/26/2007
11/692154	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	3/27/2007
11/734178	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007

Application No.: 10/768,889
Filing Date: January 29, 2004

11/734184	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/734203	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/750907	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE	5/18/2007
11/762638	SYSTEMS AND METHODS FOR REPLACING SIGNAL DATA ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	6/13/2007
11/763215	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	6/14/2007
11/797520	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
11/797521	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
11/842139	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842142	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842143	TRANSCUTANEOUS ANALYTE SENSOR	8/20/2007
11/842146	ANALYTE SENSOR	8/20/2007
11/842148	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842149	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842151	ANALYTE SENSOR	8/21/2007
11/842154	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842156	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE	8/21/2007
11/842157	ANALYTE SENSOR	8/21/2007
11/855101	TRANSCUTANEOUS ANALYTE SENSOR	9/13/2007
11/865572	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/1/2007
11/865660	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	10/1/2007
11/925603	TRANSCUTANEOUS ANALYTE SENSOR	10/26/2007
12/037812	ANALYTE MEASURING DEVICE	2/26/2008
12/037830	ANALYTE MEASURING DEVICE	2/26/2008
12/054953	ANALYTE SENSOR	3/25/2008
12/055078	ANALYTE SENSOR	3/25/2008
12/055098	ANALYTE SENSOR	3/25/2008
12/055114	ANALYTE SENSOR	3/25/2008
12/055149	ANALYTE SENSOR	3/25/2008
12/055203	ANALYTE SENSOR	3/25/2008

Application No.: 10/768,889
Filing Date: January 29, 2004

12/055227	ANALYTE SENSOR	3/25/2008
12/098353	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098359	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098627	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/7/2008
12/101790	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/101806	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/101810	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/102654	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/102729	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/102745	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/103594	BIOINTERFACE WITH MACRO- AND MICRO-ARCHITECTURE	4/15/2008
12/105227	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	4/17/2008
12/111062	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	4/28/2008
12/113508	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008
12/113724	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008
12/133738	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133761	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133786	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133820	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/137396	TRANSCUTANEOUS ANALYTE SENSOR	6/11/2008
12/139305	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	6/13/2008
12/175391	TRANSCUTANEOUS ANALYTE SENSOR	7/17/2008
12/182008	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
12/182073	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
12/182083	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008

Application No.: 10/768,889
Filing Date: January 29, 2004

12/195191	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/20/2008
12/195773	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/21/2008
12/247137	IMPLANTABLE ANALYTE SENSOR	10/7/2008
12/250918	ANALYTE SENSOR	10/14/2008
12/252952	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/252967	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/252996	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253064	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253120	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253125	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/258235	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258318	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258320	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258325	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258335	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258345	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
95/001038	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008
95/001039	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

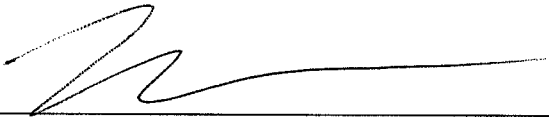
Application No.: 10/768,889
Filing Date: January 29, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/29/08

By: 

Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 68,851
(619) 235-8550

6160575
102908